

## WHISTLEBLOWERS AND OFFICES OF INSPECTORS GENERAL

### OVERVIEW

Offices of inspectors general (OIGs) are independent watchdogs charged with investigating and reporting waste, fraud, and abuse within the entity they oversee. Most executive agencies have a corresponding OIG and there are several in the legislative branch. Whistleblowers are often key partners for OIGs, helping the watchdogs identify misconduct. Some whistleblowers rely on OIGs as the exclusive means of enforcing their rights and protections. Each OIG's protocol for working with whistleblowers varies.

### INSPECTOR GENERAL ACT OF 1978

The Inspector General Act of 1978 (IG Act), as amended, lays out the structure and requirements for most federal OIGs. (5 U.S.C. App.). OIGs that do not fall within the IG Act may follow some of its provisions through their own policies or authorizing statutes.

#### MANDATE AND STRUCTURE:

OIGs are fact finders; they do not address the issues they uncover. Rather, they make recommendations for corrective action or other reforms. Under the IG Act, Congress charges OIGs with three general roles:

- ❖ Overseeing agency work through audits and investigations
- ❖ Promoting economy, efficiency, and effectiveness in programs and operations while preventing and detecting fraud and abuse
- ❖ Keeping the head of the agency and Congress fully informed about problems and deficiencies uncovered

### HOW OIGS WORK WITH WHISTLEBLOWERS

Given the OIGs' mandate, whistleblowers can be critical partners in their oversight work. For example, whistleblower disclosures can trigger OIG investigations into issues like corruption or gross waste within an agency, as well as audits and investigations into fraud or misconduct related to the agency's contracts or grants. Whistleblowers are commonly employees of the relevant federal agency, or they are federal contractors, subcontractors, grantees, subgrantees, or personal services contractors.

Depending on the circumstances, OIGs may investigate a whistleblower disclosure, a whistleblower retaliation complaint, or both.

#### WHISTLEBLOWER DISCLOSURES ALLEGING MISCONDUCT

[Section seven](#) of the IG Act permits OIGs to receive and investigate disclosures from agency employees "concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority or a substantial and specific danger to the public health and safety." OIGs typically receive whistleblower disclosures through an intake form on the OIG's website, a hotline that whistleblowers can call directly, or an email address.

The IG Act, and many other [federal whistleblower laws](#), protect qualifying disclosures made to the relevant OIG. Note that, outside of specific circumstances discussed below, OIGs are not required to investigate whistleblower disclosures. They are also not required to provide updates or reports to their source, even where an investigation is pursued.

#### **Note on the Office of Special Counsel:**

In addition to reporting misconduct with the OIG, most executive branch employees can file whistleblower disclosures with the [Office of Special Counsel](#) (OSC), an independent federal agency that, among other roles, enforces the Whistleblower Protection Enhancement Act. Note that when OSC determines that an investigation into the whistleblower disclosure is warranted, OSC refers the allegations to the agency, while requiring that the agency produce a report of its investigation for OSC. Investigations referred in this manner may be handled by the agency's OIG. (5 U.S.C. § 1213).

## WHISTLEBLOWER CONFIDENTIALITY

OIGs and OSC are bound by different confidentiality requirements; OIGs generally have more discretion to reveal a whistleblower's identity without their consent.

The IG Act requires that OIGs keep whistleblowers' identities confidential unless the OIG "determines such disclosure is unavoidable during the course of the investigation." (5 U.S.C. App. §7(b); §8M(b)(2)(b)). By contrast, the OSC may not disclose the identity without the whistleblower's consent "unless the Special Counsel determines that the disclosure of the individual's identity is necessary because of an imminent danger to public health or safety or imminent violation of any criminal law." (5 U.S.C. § 1213(h)).

## WHISTLEBLOWER RETALIATION COMPLAINTS

In addition to investigating whistleblower disclosures of waste, fraud, abuse, and other misconduct, OIGs may also have a role in investigating whistleblower retaliation complaints. Some federal laws, such as those that protect [federal contractors and grantees](#), [intelligence community employees](#), and the [uniformed military service members](#), for example, require that whistleblowers file retaliation complaints with the relevant OIG to enforce their rights.

Some OIGs also accept whistleblower retaliation complaints from other civil service employees. Depending on the circumstances, the OIG may point these whistleblowers to OSC for an investigation under the Whistleblower Protection Enhancement Act ([5 U.S.C. § 1214](#)). Note that OSC and OIGs may coordinate or deconflict when a whistleblower files overlapping claims to avoid duplicating work with one another. Whistleblowers may consider consulting counsel before filing a retaliation complaint.

## WHISTLEBLOWER PROTECTION COORDINATORS

OIGs of "establishment" agencies, as defined in [section twelve](#) of the IG Act, are required to designate a Whistleblower Protection Coordinator within the office. Guided by [section three](#) of the IG Act, these individuals assist the inspector general by facilitating whistleblower-related communications and coordination with stakeholders like OSC and Congress. Coordinators also help to ensure that the OIG is handling whistleblower matters in a timely and appropriate manner, and they work to educate agency employees about their whistleblowing rights.

Given their expertise in agency-specific whistleblowing, WPCs also offer consultations for individuals who want to better understand the OIG's processes for receiving and investigating whistleblower disclosures or complaints, or who want to better understand their own whistleblower rights. Many WPCs offer these consultations in a confidential capacity. Depending on the nature of the inquiry, Coordinators may also be an appropriate point of contact for congressional offices.

## OIGS OUTSIDE OF THE IG ACT

Not all federal OIGs were established under the IG Act. As such, they may have different requirements and policies for how they work with whistleblowers. These OIGs include:

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| ❖ Architect of the Capitol                          | ❖ Special Inspector General: Afghanistan Reconstruction    |
| ❖ Central Intelligence Agency                       | ❖ Special Inspector General: Troubled Asset Relief Program |
| ❖ Government Printing Office                        | ❖ Special Inspector General: Pandemic Recovery             |
| ❖ Inspector General of the House of Representatives | ❖ U.S. Capitol Police                                      |
| ❖ Library of Congress                               | ❖ U.S. Government Accountability Office                    |
| ❖ Inspector General of the Intelligence Community   |  |

## ADDITIONAL RESOURCES

[Oversight.gov/Whistleblowers](#) – A tool for identifying a menu of audiences for whistleblower disclosures and complaints

[IGNet.gov](#) – Website for the Council of the Inspectors General on Integrity and Efficiency